

Filed NOV-10 1913

APPLICATION FOR PERMISSION TO CHANGE THE PLACE OF DIVERSION
OF WATERS OF THE HUMBOLDT RIVER, by GEO.S. NIXON & JOHN FANT

To the State Engineer of the State of Nevada:

The application of George S. Nixon and John Fant for permission to change the place of diversion of waters of Humboldt River, respectfully shows:

1.---That the names of the applicants are respectfully George S. Nixon and John Fant; that the Post Office address of the said George S. Nixon in the said State of Nevada is Reno, County of Humboldt; and that the Post Office address of the said John Fant in the said State of Nevada is Lovelock, in the said County of Humboldt.

2.---That these applicants are the owners in common in fee simple and are in the possession of those certain pieces or parcels of land situated, lying and being in the said County of Humboldt, particularly described as follows:

The east half ($E\frac{1}{2}$) of Section thirty-five (35); the east half ($E\frac{1}{2}$) of the southwest quarter ($SW\frac{1}{4}$) of Section thirty-five (35); and Section thirty-six (36); all in Township twenty-seven (27) north, Range thirty-one (31) east, Mount Diablo Base and Meridian.

3.---That the said Humboldt River runs through a portion of the said pieces or parcels of land, and the remainder of the said pieces or parcels of land are adjacent or contiguous to the said Humboldt River.

4.---That these applicants and their predecessors in interest in the said pieces or parcels of land have appropriated upwards of one thousand (1000) miners' inches, measured under a four-inch pressure, of the waters of the said Humboldt River, and have diverted the waters so appropriated by means of dams and ditches from the channel of the said Humboldt River to and upon the said pieces or parcels of land and during the period of more than thirty (30) years last past have used the said waters so appropriated and diverted for domestic purposes, and for the purpose of watering live stock upon, and for the purpose of the irrigation of the said pieces or parcels of land.

5.---That from the year 1885, up to the present year 1910, the said waters so appropriated and diverted by means of a dam commonly known as the "Marker Dam" or Rodgers Dam", across the said Humboldt River in Section twenty-four (24), Township twenty-seven (27) north, Range thirty-one (31) east, Mount Diablo Base and Meridian, and a ditch commonly known as the "Marker Ditch" or Rodgers Ditch", having a capacity of ten thousand (10,000) miners' inches, measured under a four-inch pressure; running therefrom in a general southwesterly and southerly direction to the said pieces or parcels of land.

6.---That during the early part of the year 1910, the said "Marker Dam" or Rodgers Dam" was destroyed, and the site thereof as a dam site was ruined, by the unprecedented high water of the said Humboldt River; that it is consequently necessary to change the said place of diversion to a place in the said Section twenty-four (24) about one thousand six hundred (1600) feet above the site of the said Marker Dam" or "Rodgers Dam" and to divert the said waters for the purposes aforesaid at the proposed changed place of diversion by means of a new dam across the said Humboldt River and by means of a new ditch leading therefrom and connecting with the said "Marker Ditch" or Rodgers Ditch" at a point in the said Section twenty-four (24) distant south 35° west, four hundred and thirteen (413) feet from the headgate of the said "Marker Ditch" or "Rodgers Ditch"; that the northwesterly end of the said proposed new dam is at a point near the right or westerly bank of the said Humboldt River, distant south $51^{\circ}43'$ west, one thousand eight hundred and eight and five-tenths (1808.5) feet from the northeast corner of the said section twenty-four (24); that the southeasterly end of the said proposed new dam is at a point near the left or easterly bank of the said Humboldt River, distant south $44^{\circ}55'$ west, one thousand eight hundred and thirty-six

and three-tenths (1836.3) feet from the said northeasterly corner of the said section twenty-four (24); that the head of the said proposed changed place of diversion is at a point on the left or easterly bank of the said Humboldt River, distant north 83° 17' east, one hundred and thirty-five and six-tenths (135.6) feet from the said southeasterly end of the said proposed new dam; and that the said proposed new ditch leading from the head thereof and connecting with the said "Marker Ditch" or "Rodgers Ditch" commences at the head of the said proposed new ditch and the said place of diversion, as aforesaid, and runs thence by courses and distances as follows: South 8°14' east, one hundred and ninety-five (195) feet; South 4°37' west, two hundred and ninety-two and three-tenths (292.3); south 48°53' west, three hundred and forth-six and six-tenths (346.3) feet; south 59°33' west, four hundred and seventeen and four-tenths (417.4) feet; and thence south 73°33' west, seven hundred and twenty-eight and two-tenths (728.2) feet to the said point on the said "Marker Ditch" or "Rodgers Ditch", distant south 35° west, four hundred and thirteen (413) feet from the headgate thereof.

WHEREFORE, these applicants pray that a permit be granted to them authorizing them to change the place of diversion of the said waters of the said Humboldt River appropriated by them, as hereinabove set forth.

Dated this 21st day of October, A.D.1910.

JOHN FANT--GEORGE S. NIXON, Applicants,
By F. N. LEE, Attorney-in-Fact.

Compared W. O. Collins

This sheet inspected _____

State Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is granted subject to Vested Rights.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed

~~xx~~ the amount heretofore appropriated

Actual construction work shall begin on or before November 10th. 1911

Proof of commencement of work shall be filed before December 10th. 1911.

Work must be prosecuted with reasonable diligence and be completed on or before May 1st. 1912.

Application of water to beneficial use shall be made on or before October 1st. 1912.

Proof of the application of water to beneficial use must be filed with the State Engineer on or before November 1st. 1912.

WITNESS MY HAND AND SEAL this 3rd. day of October. 1911.

Proof of labor filed DEC - 8 1911

Map filed

Proof of beneficial use filed See Proof of App.

W. W. Kearney
State Engineer.